



11-15-04

IPW AF
3731IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vargas, Jaime; et. al.
Assignee: Cardica, Inc.
Title: Tool for Performing End-to-End Anastomosis
Serial No.: 10/083,235 Filing Date: February 26, 2002
Examiner: Bradford C. Pantuck Group Art Unit: 3731
Docket No.: 109

November 12, 2004

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE DECISION OF THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(UNDER 37 CFR §1.191)**


Sir:

Applicants hereby appeal the Final Rejection of Claims 1-4, 6-8, 11, 12 and 14-16 in the Examiner's Final Office Action of October 1, 2004 to the Board of Patent Appeals and Interferences. Enclosed is check no. 10823 in the amount of \$170.00 for this Notice of Appeal as set forth in 37 CFR §1.17(b).

No extension of time is believed to be required. If, however, an extension of time is required, please provide such extension of time, and please charge Deposit Account No. 502108 for the extension fee. Please charge any amounts underpaid or credit any amounts overpaid to Deposit Account No. 502108.

EXPRESS MAIL LABEL NO.:**EV430390243US**

Respectfully submitted,


Brian A. Schar, Esq.
Attorney of Record
Reg. No. 45,076
Cardica, Inc.
900 Saginaw Drive
Redwood City, CA 94063
(650) 331-7162

11/16/2004 HALI11
01 FC:2401

00000007 10083235
170.00 OP



Docket No.: 109

November 12, 2004

Mail Stop AF

Commissioner For Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Re: Applicant(s): Vargas, Jaime, et. al.
Assignee: Cardica, Inc.
Title: Tool for Performing End-to-End Anastomosis
Serial No.: 10/083,235
Examiner: Bradford C. Pantuck
Docket No.: 109

Filed: February 26, 2002
Group Art Unit: 3731

Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

- (1) Return Receipt Postcard;
- (2) This Transmittal Letter;
- (3) Notice of Appeal; and
- (4) Check no. 10823 in the amount of \$170.00.

☒ Conditional Petition for Extension of Time: If an extension of time is required for timely filing of the enclosed document(s) after all papers filed with this transmittal have been considered, an extension of time is hereby requested. Please charge our Deposit Account No. 502108 in the amount of \$ 0.00

☐ Please charge any additional fees required and credit any overpayment to our Deposit Account No. 502108.

☒ Please charge any additional fees required and credit any overpayment to our Deposit Account No. 502108.

Total: \$ 170.00

EXPRESS MAIL NO. EV430390243US

~~Respectfully submitted,~~

Brian A. Schar
Attorney for Applicant(s)
Reg. No. 45,076
(650) 331-7162
Cardica, Inc.
900 Saginaw Drive
Redwood City, CA 94063